

**PLANNING COMMISSION RECOMMENDATIONS FOR CODE CHANGES
FROM JULY 19, 2018 PLANNING COMMISSION MEETING**

Bold Black Italics = revised language

Red Bold = new/additional language

~~Strike Through~~ = removed

Mobile Unit Food and Beverage Carts: A mobile kitchen and food service establishment that is a vehicle – mounted or wheeled, capable of being readily moved and set up for the purpose of selling and marketing prepared food and beverage.

~~Food carts and Food Trailers can be found selling food of just about any variety. Food carts and Food Trailers either allow the vendor to sit or stand inside and serve food through a window, or have all of the room inside the cart for storage and to house the cooking machinery, usually some type of grilling surface. The cart style is determined principally by the type of food served at the cart. Some food carts are towed by another vehicle or are part of a vehicle, while some alternatively are pushed by a human. Food Carts/Food Trailers include the following:~~

~~Conventional Unrestricted Units, which are enclosed trucks, trailers, buses with open foods mobile taquerias, barbecue trailers, snow cone units, grilled chicken buses.~~

~~Conventional Restricted Units includes trucks, trailers, vans with packaged foods only prepared at an approved commissary.~~

~~Ice cream tricycles and push carts (Individually packaged ice cream)~~

~~Unrestricted fixed location and park vendor units such as hot dog and other open foods carts~~

~~Ice cream trucks and vans (Individually packaged frozen desserts)~~

~~Grade: the average elevation of the existing ground at the centers of all walls of the existing building. See “Grade (Natural)” definition.~~

Mobile Unit Food and Beverage Cart Users: Owners and operators of individual and affiliated Mobile Unit Food and Beverage Carts, along with their employees.

Section 153.052 (12) – MOBILE UNIT FOOD AND BEVERAGE CART STANDARDS

This section applies to Mobile Unit Food and Beverage Carts. The definition for Mobile Unit Food and Beverage Carts is found in the Definitions section. All Mobile Unit Food and Beverage Carts will comply with the Oregon Health Authority requirements and all other applicable Fire and Life Safety codes.

Standards for Mobile Unit Food and Beverage Carts

~~B.~~ A. Mobile Unit Food and Beverage Carts shall be on a paved surface such as, but not limited to concrete, asphalt, pavers and other surfaces as approved by the City Planner. If new paved surface is added to a site to accommodate a cart, the property shall still be required to comply with applicable lot coverage, impervious surface, and parking lot standards.

~~C.~~ B. Carts shall not occupy pedestrian walkways or required landscape areas.

~~D.~~ C. Carts shall not occupy parking needed to meet the minimum bicycle or automobile parking requirement for another use. Blocking automobile access to parking spaces shall be considered occupying the spaces.

~~E.~~ D. If a site where a cart is located abuts a lot with a residential use, the cart use shall meet all buffer widths required for a proposed commercial use. Buffer widths shall be allowed to overlap with setback requirements.

~~F.~~ E. The use shall provide adequate vision clearance as required ~~in the underlying zone.~~ by city standards

~~G.~~ F. Ingress and egress shall be safe and adequate when combined with the other uses of the property as required.

~~J.~~ G. Signage for Carts:

1. Shall comply with applicable zoning requirements with no more than seven (7) signs aggregate per property.
2. Users shall be required to post City Mobile Unit Food and Beverage Cart permits; City business licenses; and Tillamook County Health Department food service licenses in a location visible to customers.

~~K.~~ H. Unless otherwise specified in this section, Mobile Unit Food and Beverage Carts shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.

~~L.~~ I. The City Planner may impose any approval conditions intended to minimize adverse impacts created by the use on surrounding property and uses.

~~M.~~ J. Carts are exempt from land-use district density, floor-area ratio and design guidelines and standards.

~~N.~~ K. Carts shall meet the ~~following dimensional~~ setback requirements as required by Oregon Health Authority and Fire and Life Safety Code requirements:

1. Land-use district minimum setbacks shall be met for the site perimeter.
2. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right of way.
3. Carts shall be located at least 3 feet from the right of way or back of sidewalk, whichever provides the greater distance from the right of way.
4. Carts shall provide at least ~~5~~ 6 feet between service windows or other customer service points and an active drive aisle. The distance shall be measured perpendicular to the service window/point.
5. Carts shall remain at least ~~5~~ 6 feet away from other Mobile Unit Food and Beverage Carts or Commercial Stands.

Q. L. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the City Planner.

P. M. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels and miscellaneous items, by using screening or storing them in containers to substantially limit views of such items from the street. Screening could be temporary fencing or landscaping (such as landscaping in pots or planters). Storage containers could be small sheds or storage units. Screening shall be approved by the Police Department in order to ensure surveillance of the site remains possible for crime prevention purposes.

Q. N. For drive-through carts, the following standards apply:

- 1. To ensure adequate distance for at least three vehicles to line up behind the vehicle ordering at the drive-through, drive-through Mobile Unit Food and Beverage Carts shall have at least 85 feet in queuing distance behind each drive-through window where sales occur. Required queuing distance may be increased as determined by the City Planner if a change in distance will promote traffic and pedestrian safety. Queuing distance shall be measured from the initial edge of the service window or point of service, along the queuing path, to where the driveway from the street crosses from the right of way into the property. The measurement method can be adjusted by the City Planner for unusual circumstances or if needed to meet the intent of this standard.**
- 2. Drive-through stacking lanes and service areas shall not be located between the street and the Mobile Unit Food and Beverage Cart.**

S. O. The applicant shall provide a parking plan that includes an estimate of the parking demand on the site and provide information about how parking demand will be accommodated, such as through off-street parking or on-street parking on adjacent blocks. That analysis shall consider parking needs of other uses on the site. Off-street parking may be required by the City Planner if the applicant cannot demonstrate adequate parking is available to meet demand or it has been determined that a renewing Mobile Unit Food and Beverage Cart has experienced parking or related traffic issues on the site or on adjacent blocks. Should the applicant disagree with the Planner's decision, the applicant may request a Planning Commission interpretation.

T. P. Carts shall have lighting to ensure a safe environment for customers. If permanent lighting, such as parking lot lighting, already exists on the site, the City Planner may determine that the lighting satisfies this requirement. Otherwise, lighting (such as temporary lighting), shall be added that complies with the following:

- 1. At a minimum, areas intended to be occupied by customers, such as areas near Mobile Unit Food and Beverage Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness;**
- 2. No direct light source shall be visible at the property line adjacent to residential at 3 feet above ground level;**
- 3. Lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties; and**
- 4. The Planner may modify lighting standards if such modifications are deemed necessary and appropriate for the use and surrounding area and help meet the intent of the standard.**

~~U.~~ Q. Carts and their accessory items visible from the street shall be kept in good repair and be maintained in a safe and clean condition in compliance with the following:

- 1. Carts shall not have missing siding, skirting, or roofing.**
- 2. Carts shall not have more than 10 percent of any side experiencing rust, peeling paint, corrosion or other deterioration.**
- 3. Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.**
- 4. Tents and canopies associated with the carts shall not have:**
 - a. Tears in the tent/canopy material that exceed 6 inches.**
 - b. Mold on the material.**
 - c. A lack of anchoring.**
 - d. Broken or non-functioning supports.**

~~X. S. Structures used to provide shelter to customers shall only be tents, canopies and similar rigid shelter structures. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other rigid structures erected on Mobile Unit Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards.~~